

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BILLY WAYNE RICHMOND,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

Case No. C07-5533 RBL/KLS

SECOND ORDER TO AMEND

Petitioner in this action is seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254. This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. §§ 636 (b) (1) and Local MJR 3 and 4.

On February 28, 2008, Petitioner was ordered to clarify the nature of his existing habeas claims against the Indeterminate Sentence Review Board (ISRB). (Dkt. # 20). Since that time, Petitioner moved for an extension of time and to compel the production of records from the ISRB (Dkts. # 23 and 24). The court granted Mr. Richmond's motion for additional time, but denied his motion to compel as he has already been provided with all of the ISRB records requested. (Dkts. # 25, 27 and 30).

Mr. Richmond has now filed a "Motion" (Dkt. # 28), "Amended Petition" (Dkt. # 29), and "Supplement/Letter Writ" (Dkt. # 31), none of which complies with this Court's directive that Petitioner clarify the nature of his existing habeas claims against the ISRB. Mr. Richmond now seeks injunctive and compensatory damages against the ISRB in an action claiming, *inter alia* retaliation and violation of his first amendment rights. Respondent was also previously warned that

1 the court will not entertain pleadings and motions that are not properly noted and served on
2 Respondent's counsel. However, it appears that Mr. Richmond has again failed to serve
3 Respondent's counsel with these recent filings.

4 Nevertheless, the court will instruct the Court Clerk to again provide Mr. Richmond with
5 another form 2254 petition and will allow Mr. Richmond another extension of time to attempt to
6 clarify his habeas claims. Mr. Richmond is reminded that he originally filed this action seeking
7 habeas corpus relief pursuant to 28 U.S.C. § 2254. This is not a civil rights action for damages and
8 the court will not entertain such claims in this action.

9 Mr. Richmond shall use the form 2254 petition and shall state every ground on which he
10 claims that he is being held in violation of the Constitution, laws, or treaties of the United States
11 and to state the facts supporting each ground. Mr. Richmond must file the form 2254 petition on
12 or before **June 27, 2008**. If Mr. Richmond fails to file a completed 2254 petition or his filing shows
13 the petition cannot go forward, the court will enter a report and recommendation that the petition be
14 dismissed.

15 Accordingly, it is **ORDERED**:

- 16 (1) The Clerk of the Court shall send Petitioner a form 2254 Petition; Petitioner shall file
17 his completed 2254 petition on or before **June 27, 2008**. If Petitioner fails to file a
18 completed 2254 petition or his filing shows the petition cannot go forward the court
19 will enter a report and recommendation that the petition be dismissed;
- 20 (2) Future filings by Petitioner that are not properly served on Respondent shall be
21 stricken from the docket;
- 22 (3) Petitioner's "Motion," (Dkt. # 28) is **DENIED**; and
- 23 (4) The Clerk shall send a copy of this Order to Petitioner and to counsel for
24 Respondent.

25 DATED this 27th day of May, 2008.

26 
27 Karen L. Strombom
28 United States Magistrate Judge